

City of Norfolk

Department of Law

August 13, 2013

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Mr. Robert Chianelli
400 Shorewood Place
Norfolk, VA 23502

BERNARD A. PISHKO
City Attorney
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ADAM D. MELITA
TASHA D. SCOTT
ANDREW R. FOX
HEATHER L. KELLEY
ERIKKA M. MASSIE

Dear Property Owner/Manager/Agent:

According to the City of Norfolk Real Estate Assessor's Office, you are listed as the owner, manager or agent of the property listed as 400 Shorewood Place, Norfolk, Virginia.

On August 8, 2013, members of the Norfolk Police Department discovered violations of Norfolk City Ordinances/Virginia State Code relating to controlled substances, gambling enterprise and illegal rooming house.

Additionally, marijuana and crack cocaine were recovered at this location.

You are advised that §18.2-258, Code of Virginia, provides in part, as follows:

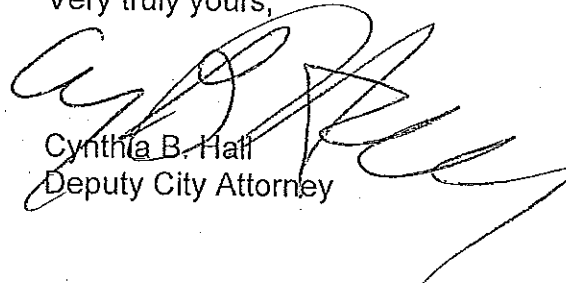
Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons under the influence of illegally obtained controlled substances or marijuana, as defined in § 54.1-3401, or for the purpose of illegally obtaining possession of, manufacturing or distributing controlled substances or marijuana, or is used for the illegal possession, manufacture or distribution of controlled substances or marijuana, shall be deemed a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes, keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or subsequent offense, a Class 6 felony.

Additionally, you are advised of §55-248.31, Code of Virginia, which provides in part:

[W]hen breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act, which is not remediable and which poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises.... [A]ny illegal drug activity involving a controlled substance...., by the tenant, the tenant's authorized occupants, or the tenant's guests or invitees, shall constitute an immediate non-remediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions.... [W]here the illegal activity is engaged in by a tenant, authorized occupants, or guests or invitees, the tenant shall be presumed to have such knowledge of such illegal drug activity.... The initial hearing on the landlord's action for immediate possession of the premises shall be held within fifteen calendar days from the date of service on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises which constitute an immediate threat to the health or safety of the other tenants.

This letter serves as official notification of the problems described above at the address noted. It is recommended that you take appropriate action to rectify this situation. Should you have any questions with regards to the aforementioned State Codes, it is suggested that you consult with an attorney. Any other questions related to this issue may be directed to the Commanding Officer of Vice & Narcotics, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

Very truly yours,



Cynthia B. Hall
Deputy City Attorney

CBH:sb

cc: Marcus Jones, City Manager
Michael Goldsmith, Chief of Police
C.O. of Vice & Narcotics, NPD
Wendy Petchel, Accounting Supervisor, City Treasurer's Office
Lorenzo Harris, Neighborhood Quality, Department of Planning
Halima Arias, Program Supervisor, Department of Information Technology